

# Natural Disaster Emergency Designation and Authorization for an Exception to the Biweekly Maximum Earnings Limitation

## Part 1. Natural Disaster Emergency Designation

(to be signed by the Administrator, Assistant Administrator, Associate Administrator, Regional Administrator, or his/her designee)

### a. Designation:

A natural disaster emergency, involving a direct threat to life or property, is in effect.

Region(s)/Office(s) Region 8 / EPR

Type of natural disaster: Mine Spill - Gold King Mine (Contaminated Water)

Location(s): Durango, CO

Date emergency began: August 5, 2015

EPA employees will be required to work extensive overtime hours to resolve this emergency. I therefore request approval of an exception to the biweekly maximum earnings limitation. This exception should remain in effect until I notify the Human Resource Officer that the emergency has concluded, by completing Part 3 of this form.

The exception will apply to the employees listed in Part 1b below. These employees are performing work directly related to resolving the emergency. As the emergency continues, I may add employees to the list by notifying the Human Resource Officer.

  
(signature)

August 10, 2015

(date)

Assistant Regional Administrator

(title)


### b. Employees for whom the exception is requested: (attach a separate sheet if necessary)

Name	SSN
See Attached Listing	

(After completing Part 1, forward this form to the Human Resource Officer. Retain a copy to be attached when completing Part 3 at the conclusion of the emergency.)

**Part 2. Authorization for Exception to the Biweekly Maximum Earnings Limitation***(to be completed by the Human Resource Officer)*

I authorize an exception to the biweekly earnings limitation for the employees listed in Part 1b. This exception is authorized according to the provisions of 5 CFR 550.106(a). The exception will remain in effect until I notify Financial Management Division by completing Part 4 of this form.

Effective date of the exception: August 5, 2015*(Beginning of the pay period during which the emergency began)*  
(Signature)August 10, 2015

(Date)

*(Send to Financial Management Division, Headquarters Accounting Operations Branch, Payroll Section, PM-226. Retain a copy of this form to be attached when completing Part 4 at the conclusion of the emergency.)*

**Part 3. Notification of Conclusion of Natural Disaster Emergency***(to be signed by the Administrator, Assistant Administrator, Associate Administrator, Regional Administrator, or his/her designee)*

I certify that the natural disaster emergency in Region(s)/Office(s) Region 8 / EPR which began on Aug 5, 2015 at \_\_\_\_\_ has concluded. The exception to the biweekly maximum earnings limitation, now in effect for the employees listed in Part 1b, is no longer required.

\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Title)\_\_\_\_\_  
(Date)

Termination of the exception to the biweekly limitation should be effective:

\_\_\_\_\_  
(Date of conclusion of the emergency)

*Forward this form to the Human Resource Officer. Attach copy of Part 1b.)*

**Part 4. Authorization for Termination of Exception to the Biweekly Maximum Earnings Limitation***(to be completed by the Human Resource Officer)*

I authorize the termination of the exception to the biweekly earnings limitation that is currently in effect for the employees listed in Part 1b. The biweekly limitation will be reinstated.

Effective date of the termination: \_\_\_\_\_  
(End of the pay period during which the emergency concluded.)\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Date)

*(Send to Financial Management Division, Headquarters Accounting Operations Branch, Payroll Section, PM-226. Retain a copy of the form for Human Resources Office records.)*



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONS**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

August 10, 2015

Ref: 8EPR-ER

**MEMORANDUM**

**SUBJECT:** Request for Waiver of Bi-weekly Maximum Earnings Limitation for the 2015 Gold King Mine Release.

**FROM:** Martin Hestmark  
Assistant Regional Administrator

A handwritten signature in dark ink, appearing to read "M. Hestmark", is written over the printed name and title of the sender.

**TO:** Shaun L. McGrath  
Regional Administrator

A significant release of contaminated mine water in Durango occurred due to a break in the berm retaining the water coming down from the Gold King Mine. The release on the Animas River was reported on August 05, 2015. La Plata County is the primary area affected, but numerous other counties and towns downstream may be impacted as well. EPA is conducting an emergency response that requires staff to work long hours (usually 12 hr shifts) nights and weekends, resulting in a need to lift the pay cap to support response activities for this emergency.

This memorandum is to request a waiver for the bi-weekly salary limitations on earnings for the Gold King mine emergency response. This is for employees responding and providing support from the Regional offices. We do not know when the emergency response will end.

The EPA employees are anticipating working long daily shifts including evenings and weekends. Due to this schedule, Region 8 anticipates employees working on this response will exceed the biweekly salary cap.

If you have any questions concerning this request, you may contact David Ostrander, Director, Preparedness Assessment and Response, at 303.312.6827.

Approval: \_\_\_\_\_  
Shaun McGrath, Regional Administrator

Date: \_\_\_\_\_

Disapproval: \_\_\_\_\_  
Shaun McGrath, Regional Administrator

Date: \_\_\_\_\_

Attachment:

cc: David Ostrander, 8EPR-ER  
Laura Williams, 8EPA-ER  
Mike Shanahan, 8TMS-H



Approval: DMTH  
h Shaun McGrath, Regional Administrator

Date: 8/10/15

Disapproval: \_\_\_\_\_  
Shaun McGrath, Regional Administrator

Date: \_\_\_\_\_

Attachment:

cc: David Ostrander, 8EPR-ER  
Laura Williams, 8EPA-ER  
Mike Shanahan, 8TMS-H